

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

JEFFREY JOSEPH BRANHAM,

Defendant.

CASE NO. 2:23-cr-00100-LK

ORDER GRANTING UNOPPOSED  
MOTION TO CONTINUE TRIAL  
DATE AND PRETRIAL MOTIONS  
DEADLINE

This matter comes before the Court on the Defendant Jeffrey Joseph Branham's Unopposed Motion to Continue Trial Date and To Extend Date for Filing Pretrial Motions. Dkt. No. 25. Mr. Branham moves to continue the trial date from November 20, 2023 to March 18, 2024, and to continue the pretrial motions deadline to February 5, 2024. *Id.* at 1. The Government does not oppose Mr. Branham's motion. *Id.*<sup>1</sup>

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<sup>1</sup> Pretrial motions were due by October 10, 2023, Dkt. No. 12, but Mr. Branham did not file this motion until October 18, 2023, Dkt. No. 25. Although the Court finds good cause to extend the pretrial motions deadlines as requested, it cautions counsel that pursuant to Section I.A. of this Court's Standing Order for All Criminal Cases, motions to continue the trial date and pretrial motions deadline must be made prior to the pretrial motions deadline. The Court expects strict compliance with its Standing Order and the applicable laws and rules moving forward, and reminds the

1 On June 14, 2023, a federal grand jury indicted Mr. Branham with one count of Distribution  
2 of a Controlled Substance in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(C); two counts of  
3 Possession of a Controlled Substance with Intent to Distribute in violation of 21 U.S.C. § 841(a)(1)  
4 and (b)(1)(C); and one count of Carrying a Firearm During and in Relation to a Drug Trafficking  
5 Crime in violation of 18 U.S.C. § 924(c)(1)(A)(i). Dkt. No. 1 at 1–2. He pleaded not guilty to all  
6 counts and was subsequently ordered detained following a hearing before United States Magistrate  
7 Judge Michelle Peterson. Dkt. Nos. 12, 16. Trial was scheduled for November 20, 2023. Dkt. No.  
8 12.

9 Counsel for Mr. Branham represents that he “need[s] additional time to review the  
10 discovery, to prepare pretrial motions if applicable, and to prepare for trial.” Dkt. No. 25 at 1.  
11 Counsel further “asserts that the extension of time is necessary to provide adequate and effective  
12 representation. The parties agree that proceeding with the current trial and motions dates would  
13 result in a miscarriage of justice.” *Id.* at 2. Mr. Branham has filed a speedy trial waiver waiving  
14 his right to a speedy trial through April 1, 2024. Dkt. No. 27 at 1.

15 Pursuant to 18 U.S.C. § 3161(h)(7)(A), the Court finds that the ends of justice served by  
16 granting a continuance outweigh the best interest of the public and Mr. Branham in any speedier  
17 trial. Specifically, the Court finds that failure to grant the requested continuance would likely result  
18 in a miscarriage of justice and would deny defense counsel the reasonable time necessary for  
19 effective preparation, taking into account the exercise of due diligence, due to counsel’s need for  
20 more time to review discovery, consider pretrial motions and defenses, and prepare for trial. *See*  
21 18 U.S.C. § 3161(h)(7)(B)(i), (iv). The Court finds that the additional time requested is a  
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24 parties that “a failure to timely raise a pretrial objection required by Rule 12, absent a showing of good cause, constitutes a waiver[.]” *United States v. Ghanem*, 993 F.3d 1113, 1120 (9th Cir. 2021) (cleaned up).

1 reasonable period of delay and will be necessary to provide counsel and Mr. Branham reasonable  
2 time to accomplish the above tasks.

3 For these reasons, the Court GRANTS Mr. Branham's motion, Dkt. No. 25, and ORDERS  
4 that the trial date for Mr. Branham shall be continued from November 20, 2023 to March 18, 2024,  
5 and that the pretrial motions deadline shall be continued to February 5, 2024. It is further  
6 ORDERED that, pursuant to 18 U.S.C. § 3161(h)(7)(A) and (B), the period of delay from the date  
7 of this Order to the new trial date is EXCLUDED when computing the time within which Mr.  
8 Branham's trial must commence under the Speedy Trial Act.

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10 Dated this 19th day of October, 2023.

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12 Lauren King  
13 United States District Judge  
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